

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2023/44/93276/W
Site Address:	Hey Knowle Farm, Linfit Lane, Linthwaite, Huddersfield, HD7 5LF
Description:	Discharge conditions 3 (materials), 4 (improvements to access track and parking), 5 (waste collection) on previous permission 2021/94676 for erection of extensions and alterations to convert existing pig sty, domestic storage and WC building to single dwelling
Recommending Officer:	William Simcock

DECISION – Details for conditions 4 and 5 approved.

I hereby authorise the approval of conditions 4 and 5 of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 14-May-2024

Officer Report 2023/93276

Hey Knowle Farm

This discharge of condition application relates to planning permission 2021/94676 for erection of extensions and alterations to convert existing pigsty, domestic storage and WC building to single dwelling.

The application seeks to discharge conditions 3 (materials), 4 (improvements to access track and parking), and 5 (waste collection) as follows:

3. The stone and roofing materials used in any exterior work shall in all respects match those used on the exterior of the existing building. **Reason:** In the interests of visual amenity and to ensure that the development is appropriate to its Green Belt setting, and to accord with the aims of Policy LP24(a) and LP60 of the Kirklees Local Plan.

4. Before the development is first brought into use a detailed scheme shall be submitted to an approved in writing by the Local Planning Authority for the improvements to the access track and formation of the parking spaces as shown on the approved site plan 20141D-05- P03. The areas to be used for the access, turning and parking of vehicles shall be formed in accordance with the approved details before the new dwelling is first occupied and thereafter retained as such. **Reason:** So as to ensure that safe and satisfactory arrangements for the access, parking and turning of vehicles is retained within the site at all times in the interests of the safe and convenient use of the highway, to ensure the future safety and convenience of users of the Public Right of Way, to ensure that surfacing materials are appropriate to their rural setting and do not introduce inappropriate domesticating or urbanising features to the site in the Green Belt, and to accord with the aims of Policies LP21, LP22 and LP60 of the Kirklees Local Plan and Chapter 13 of the National Planning Policy Framework.

5. Before the development is first occupied, a plan showing the arrangements for the storage and collection of wastes shall be submitted to and approved in writing by the Local Planning Authority. The facilities thus approved shall be made available before the dwelling is first occupied and thereafter retained as such. **Reason:** To ensure that satisfactory arrangements for the collection of wastes are formed and retained in the interests of highway safety and to accord with the aims of Policies LP24(d)(vi) and LP21 of the Kirklees Local Plan.

Update – 14-May-2024

Officers' previous assessment, November 2023, stated that condition (3) did not need to be formally discharged, and that the details in respect of conditions (4) and (5) could not be approved. At the time, the Highway Officer had not formally commented, but the case officer advised the applicant that

amendments were required in the interests of clarity and to produce an acceptable layout.

Highways Development Management comments (January 2024) were:

- Can the applicants be asked to confirm that the parking areas marked B have been cleared and appropriately surfaced for parking and that the parking spaces do not obstruct any access to other existing buildings.
- The bin presentation point marked A is shown adjacent to the access. Can the applicants confirm that this will be a flat hard surfaced area separate to the widened 4.5 metre access.
- The first 10m of the access from Linfit Lane should be shown to be hard surfaced, gravel or loose surfacing would not be acceptable at this location.

An amended site layout plan was submitted 12th April 2024.

This shows:

- A designated area 'A' directly opposite the new dwelling and not obstructing the access track for the storage of waste containers.
- A flat, hard surfaced area for waste collection (already surfaced in concrete) adjacent to but separate from the widened lane access and situated within 10m of the public highway, indicated 'A1'.
- Two parking areas, indicated by the annotation 'B1' extending for a length of 12.9m and which are already hard surfaced (concrete and tarmac) and clear of obstructions.
- First 10m of track widened to 4.5m and surfaced in tarmac, the remaining parts of the access track surfaced in gravel and widened to allow passage of fire service vehicle.

Assessment

Condition 4

The location of the parking spaces is a departure from the plans as approved which showed them directly in front of the dwelling. On the plans being considered for this application, they are shifted eastwards. This is however considered immaterial in planning terms since they would not be taking up any space that was previously designated as being for the passage or turning of vehicles, or for private amenity space. The parking spaces as shown are considered acceptable in terms of size, layout, and ease of access.

The other details are in accordance with the layout shown, the width of the track and methods of surfacing are considered acceptable, and the level of detail is considered adequate for an access track serving only two dwellings.

The formation of the areas to be used for the access, turning and parking of vehicles in accordance with the approved details shown on the plan submitted on 12th April 2024 is required before the new dwelling is first occupied, and their retention as such thereafter. This will ensure compliance with the condition.

Condition 5

The location and layout of the proposed bin storage facility and collection point as shown on the plan received 12th April 2024 are both deemed acceptable.

The provision of the waste storage and collection point, and their being made available for use, before the dwelling is first occupied, and their subsequent retention, will ensure compliance with the condition.

Decision notice text – updated 14-May-2024

Condition 4:

The details of the parking spaces and access track shown on the amended site plan submitted 12-Apr-2024 are considered acceptable and are hereby approved.

The formation of the areas to be used for the access, turning and parking of vehicles in accordance with the approved details shown on the approved plan before the new dwelling is first occupied, and their retention as such thereafter, will ensure compliance with the condition.

Please note all parking space should ensure that Public Right of Way COL/97/20 remains unobstructed at all times.

Condition 5

The details proposed bin storage facility and collection point as shown on the plan received 12-Apr-2024 are both deemed acceptable.

The provision of the waste storage and collection point, and their being made available for use, before the dwelling is first occupied, and their subsequent retention, will ensure compliance with the condition.

Please note that the bin storage facility and collection point should ensure that Public Right of Way COL/97/20 remains unobstructed at all times.

Report dated

14-May-2024

Original Assessment 17-Jan-2024

Condition 3

The applicant's supporting statement confirms that all materials used match those used on the existing building. This condition is prescriptive and does not require details to be inspected and approved. Completion of the development using matching materials will discharge this condition.

Condition 4

The supporting statement and plan 20141D-05-P04 indicate that:

- The lane will be widened, excavated to a depth of 650mm, then filled with sandstone hardcore and finished with compacted tarmac plainings.
- Cars to be parked as shown at points B on adapted site plan showing in a black line that the removal of a temporary shed has made space for two car parking sites adjacent to the proposed amenity space.

The views of Highways Development Management (HDM) have been sought. Their response is still awaited but is expected to be forthcoming soon. This condition cannot be discharged at the present time until comments have been received from HDM.

Condition 5

The site plan shows three squares, sketched on in black pen, one labelled 'A' and two labelled 'B'. The supporting statement claims that waste bins, both green and grey, will be stored and collected from point 'A' on the adapted site plan 20141D-05-P04 as per the waste bins from Hey Knowle Farm and Hey Knowle Farm Cottage.

The case officer has discussed these arrangements with the Waste Operations Manager who has stated that bin collection for the existing dwelling is from the site entrance, and has advised that it is unlikely, in view of current standards and practice, that bin collection crews would be able to collect from point 'A' or 'B' as shown on the plans.

This condition cannot be discharged at the present time.

The squares indicated 'B' are however deemed acceptable as bin storage points for the two new dwellings.

It is therefore recommended that the plan and supporting statement be amended to show:

- The two areas marked 'B' designated as bin storage points for the new dwellings.
- The bin collection point on the access track just in from the junction with the adopted highway so that it does not obstruct the highway but is easily accessible.